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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. This Office Action is in response to Applicants Amendment-After Non-Final Rejection, filed January 3, 2008. As amended, Claims 1-24, 26-28, and 30-31 are presented for examination. In addition, as originally filed Claims 25 and 29 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 11, and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. In regards to Claims 1, 11, and 21, the limitation: "wherein said announcement is displayed on said television screen without any input from said user;" is not supported by the specification. In Paragraph [34] of the specification operation of system components without user interaction is mentioned: "A media processing system may also have the capability to automatically access and control any media peripheral device without user interaction and/or user intervention." Although, no where in the

remainder of the paragraph or throughout the specification is there an indication that this automatic access relates to the display and control of announcements to the user.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 11, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. In regards to Claims 1, 11, and 21 Applicant has stated: "wherein said announcement is displayed on said television screen without any input from said user;" This statement renders the claimed invention inoperative because user interaction would be required for at least the following reasons: (1) to turn on the television system or (2) to change the channel to a desired program.

In regards to reason (1), if an announcement was sent to the user while the television is off, the user would be required to turn on the television first in order to have the opportunity to be shown an announcement.

In regards to reason (2), television broadcast stations typically distribute more than one channel. If an announcement is designed to be displayed when the user tunes to a particular channel, input would be required to change the channel in order to have the announcement displayed to the user.

In view of the reasoning above, Applicants invention is inoperative and therefore lacks utility. Appropriate correction is required.

5. In view of the issue of inoperability regarding Claims 1, 11, and 21, Claims 1-31 are rejected as best understood by the Examiner.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-31 rejected under 35 U.S.C. 102(e) as being anticipated by Proehl et al. (US Patent 6,990,676 B1), hereinafter Proehl.

8. In reference to Claim 1, Proehl teaches a method for providing information related to a broadcast television program, the method comprising: generating an announcement (scrolling ticker region 566 of Figure 9 as described in Col 12 Lines 6-8); delivering said announcement along with the broadcast television program for display on a television screen within a home (picture-in-picture (PIP) region 569 of Figure 9 as described in Col 12 Lines 3-6); and receiving an input from a user that selects a function which corresponds to the delivered announcement (such as “Article Summary” icon 567 as described in Col. 12 Lines 9-29).

Art Unit: 4126

9. In reference to Claim 2, Proehl teaches a method of performing the function at least in part outside of the home (Internet service provider 24 of the network shown in Figure 1 as described in Col. 4 Lines 38-47) in response to the input received from the user.

10. In reference to Claim 3, Proehl teaches a method of determining whether the user selects or accepts the function (by way if remote control 14 shown in Figure 3 and described in Col. 9 Lines 32-52).

11. In reference to Claim 4, Proehl teaches a method of determining if the received input selection accepts the function ("tune to channel 112" command as described in Col 14 Lines 56-65), and if so, transferring media associated with the function to a display on the television screen (television screen 16 of Figure 1 as described in Col. 14 Lines 65-66).

12. In reference to Claim 5, Proehl teaches a method of transferring the media concurrently with viewing of the broadcast television program (decimated video region 652 of Figure 13A as described in Col 14 Lines 36-39).

13. In reference to Claim 6, Proehl teaches a method where the user input is a code representative of the function (decryption key contained on smart card 214 as described in Col. 5 Lines 34-47).

14. In reference to Claim 7, Proehl teaches a method where the input is generated from at least one of a remote control, a keyboard, a scanning device, and an audio processing device (remote control 14 and peripheral devices 32 shown in Figure 1).

15. In reference to Claim 8, Proehl teaches a method of generating supplemental information related to the broadcast television program (sensory data generated by processing element 200 as described in Col. 11 Lines 18-24) in response to the received input.

16. In reference to Claim 9, Proehl teaches a method of presenting the supplemental information to the user (information region 654 of Figure 13A as described in Col. 14 Lines 38-47).

17. In reference to Claim 10, Proehl teaches a method of presenting the supplemental information to the user concurrently with the broadcast television program (information region 654 displayed next to decimated video region 652 as shown in Figure 13A).

18. In reference to Claims 11-20, Proehl teaches a machine-readable storage having stored thereon, a computer program having at least one coded section for providing information related to a broadcast television program (ROM 224 of Figure 2A as described in Col. 6 Lines 23-55), the at least one coded section being executable by a machine (integrated DSS/WebTV receiver 12 shown in Figure 2A as described in Col. 4 Lines 33-38) for causing the machine to perform the method of Claims 1-10.

19. In reference to Claim 21-30, Proehl teaches a system for providing information related to a broadcast television program (entertainment system 10 of Figure 1 as describe in Col. 4 Lines 15-32), the system comprising: at least one processor that generates an announcement (DSS processing element 200 of Figure 2A as described in Col. 8 Lines 19-22); the at least one processor that delivers the announcement along

with the broadcast television program for display on a television screen within a home (Internet processing element 202 of Figure 2A as described in Col. 4 Lines 25-48); and the at least one processor that receives an input from a user that selects a function which corresponds to the delivered announcement (CPU 404 of Figure 4 as described in Lines 47-49), wherein the at least one processor executes the method of Claims 1-10.

20. In reference to Claim 31, Proehl teaches a processor which is a media management system processor (processing elements of Figure 2C as described in Col. 8 Lines 49-61).

Response to Arguments

21. Applicant's arguments with regards to Drawing/Specification Objections, see Pages 18-19, filed January 3, 2008, have been fully considered and are persuasive.

The objection of Figure 1 has been withdrawn based on Applicants amended specification Paragraphs [31 and 32] where remote controls have been designated as elements 111 and 112.

The objection to the Specification in regard to the indefinite language of a "function performed at least in part outside the home" has been clarified by amendment to Claims 2, 12, and 22 and therefore withdrawn.

The objection to the Specification in regard to the characteristics of each of the claimed processors of Claim 31 has been withdrawn based on Applicant's clarification of the intended meaning of each processor is well known in the art. The Examiner will

therefore make a generic interpretation of the terms: media processing system processor, media management system processor, a computer processor, media exchange software processor, and a media peripheral processor.

22. Applicant's arguments, with regards to Claims 1-31, filed January 3, 2008 have been fully considered but they are not persuasive.

23. On Page 21 of Applicant's Response in regards to Claim 1, Applicant argues that Proehl does not disclose or suggest the limitation of "generating, remotely from a user's home, an announcement," as recited in Claim 1. Applicant points out, on Page 22, that "the scrolling ticker region [566] of Proehl is generated at the TV receiver 12 and at the user location."

The Examiner respectfully disagrees with Applicant's arguments, because a TV receiver is inherently a reception device, and therefore must be receiving an input from an external source (external to the receiver). In addition, it is noted that Proehl's TV receiver is element 14 and that element 12 is integrated DSS/WebTV receiver (Proehl Col. 4 Lines 17-19). The Examiner interprets the TV receiver 14 and the DSS/WEBTV Receiver 12 to be contained at the user's location. Proehl discloses three external (to the user location) sources of information connected to integrated DSS/WebTV Receiver 12: digital satellite system (DSS) antenna 20, Internet service provider 24, and local programming station 28 (as shown in Proehl Fig. 1).

Proehl provides the following example in reference to scrolling ticker region 566: "ticker region 566 may display a message that states that an upcoming football game will be shown on channel 4 at 2 pm on Nov. 24, 1999" (Proehl Col. 12 Lines 18-20).

The football game would be broadcast by satellite to DSS antenna 20 or by local programming station 26 and the broadcaster (not the user) would have control over when the program is to be displayed. Therefore, Proehl's ticker message would have to be generated at the program source and not at the user's location because the broadcaster is in control of the content the user receives.

In addition on Page 22, Applicant argues that Proehl does not disclose or suggest the limitation of "wherein said announcement is displayed on said television screen without any input from the user," as recited in Claim 1. Applicant points out that the GUI Home screen 550 of Proehl, including the scrolling ticker region 566, are displayed only after the "Home" key 308 has been pressed. Applicant presents the argument that since the scrolling ticker region 566 is an element of the GUI Home screen 550 user input is therefore required in order for the user to receive an announcement by way of scrolling ticker region 566.

The Examiner respectfully disagrees with Applicant's arguments for at least the following reasons. The generation of a message in scrolling ticker region 566 is dependent upon the source (satellite, local broadcast, ect.) that transmits the message to the user, not the user input, therefore the broadcast source causes the message to be displayed to the user (not the user's pressing of the "Home" Key 308). In addition, picture-in-picture (PIP) region 569 allows the user to watch a broadcast program while in the GUI Home screen 550, therefore it is possible for a user to watch a program and (without input) have a message displayed in scrolling ticker region 566, which pertains to the program currently being viewed.

24. In regards to Applicants Arguments pertaining to Claims 11 and 21, which are “similar in many respects to the method disclosed in independent claim 1.” (Please see Examiners Response to Arguments in reference to Claim 1).

25. In addition, dependent Claims 2-10, 12-20, and 22-31 stand rejected as cited above.

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick A. Ryan whose telephone number is (571) 270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4126

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 4126
February 20, 2008

/Dennis-Doon Chow/
Supervisory Patent Examiner, Art Unit 4126